

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

UNITED STATES OF AMERICA)
)
)
v.) 3:05CR287-MEF
)
CORNELIUS DONAL TURNER)

ORDER

The defendant, CORNELIUS DONAL TURNER, has indicated to the court that he wishes to change his plea of not guilty to a plea of guilty.

In previous change of plea proceedings, various counsel for defendants and the United States have consistently been dilatory in completing negotiations, submitting plea agreements, preparing defendants for their allocution, securing signed consent forms, and securing defendants' signatures on plea agreements. The court's management of its criminal caseload, and particularly its plea docket, has been substantially compromised by counsel's failure to be fully prepared at plea hearings,¹ and the court now finds it necessary to include specific directives in this order.

Accordingly, it is ORDERED as follows:

¹All Assistant United States Attorneys, federal defenders, and panel attorneys are, or should be, fully aware of the following: (1) final consent days are set one week before the beginning of the applicable trial term; (2) attorneys may request special settings for the early entry of guilty pleas; (3) the only pleas accepted after that date are those that are not entered pursuant to Rule 11(c)(1)(C); (4) on consent days, the Magistrate Judges set plea hearings on a fixed schedule: Judge McPherson - 9:00 a.m., Judge Boyd - 11:00 a.m., Judge Coody - 1:00 p.m., and Judge Walker - 3:00 p.m.; and (5) the court expects counsel to be sensitive to its management of the use of the interpreter to maximize her usefulness to all of the judges.

1. The defendant, CORNELIUS DONAL TURNER, shall appear with counsel before the undersigned Magistrate Judge on 15 September 2006 at 8:30 a.m. in Courtroom 5A, Frank M. Johnson, Jr. Federal Building and United States Courthouse Complex, One Church Street, Montgomery, Alabama, to enter a change of plea.
2. Counsel shall submit the plea agreement to the court no later than noon on the Friday before the final consent date on Monday, and, if the consent date is specially set, no later than 48 hours before the change of plea proceeding.
3. Before the date of the proceeding, defense counsel shall confer with the defendant to ascertain his full understanding of the plea agreement, if applicable, and to secure his execution of the consent form (a copy of which is attached) and the plea agreement. Counsel shall tender the executed form and original plea agreement to the Clerk of the court before the change of plea proceeding commences. During their conference, counsel shall also ascertain the defendant's allocution, his understanding of the elements of the offense, and the requirement that a full admission to the elements be recited at the proceeding - including the quantity of drugs, if applicable.

The Clerk is directed to provide a court reporter for this proceeding. If the

defendant is in custody, the United States Marshal or the person having custody of the defendant shall produce the defendant for this proceeding.

DONE this 12th day of September, 2006.

/s/ Vanzetta Penn McPherson
VANZETTA PENN MCPHERSON
UNITED STATES MAGISTRATE JUDGE

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CONSENT

I hereby declare my intention to enter a plea of guilty in the above case, and I consent to have a United States Magistrate Judge conduct the proceedings required by Rule 11 of the Federal Rules of Criminal Procedure incident to the making of such a plea. I understand that if my plea of guilty is then accepted by the District Judge, the District Judge will decide whether to accept or reject any plea agreement I may have with the United States, and will adjudicate guilt and impose sentence.

DEFENDANT

COUNSEL